IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929

WP(C).No. 33829 of 2005(B)

OS.30/2002 of SUB COURT, MUVATTUPUZHA
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PETITIONERS:
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1. **C.K. GEORGE,**
   CHAKIAT HOUSE, KOTHAMANGALAM.

2. **VALSAMMA GEORGE, -DO-.**

BY ADV. SRI.V.G.ARUN

RESPONDENTS:
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1. **SOSAMMA DAMION,**
   WIFE OF K.K. DAMION, KAKKANATTU,
   NELLIMATTOM, KOTHAMANGALAM.

2. **C.K. JACOB,**
   MANAGING PARTNER, CHAKIAT FINANCING COMPANY,
   KOTHAMANGALAM.

3. **C.K. PETER,**
   PARTNER, -DO-.

4. **CHAKLAT FINANCING COMPANY PVT. LTD.,**
   KOTHAMANGALAM, REPRESENTED BY ITS MANAGING PARTNER
   C.K. JACOB.

BY ADV. SRI.V.M.KURIAN for R2,R3 & R4
SRI.A.V.THOMAS
SRI.MATHEW B. KURIAN
SRI.K.T.THOMAS
SRI.PIRAPPANCODE V.S.SUDHIR for R1
SRI.R.PRADEEP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) NO. 33829 of 2005

Dated this the 13th day of August , 2007

JUDGMENT

The grievance of the petitioners, who are defendants in O.S. No.30/2002 on the files of the Sub Court, Muvattupuzha is that even ignoring Exts.P4 and P5 applications filed by them for removal of the case from the list, the learned Subordinate Judge has posted the suit for trial in list and disposal. According to them common issues arise in O.S.87/1998 and in O.S. No.30/2002. In O.S. No.87/1998 pursuant to the directions issued by this court in Ext.P3 judgment a report after forensic scrutiny has been called for regarding the genuineness of certain signatures and if the trial of the present suit is taken up before that report is obtained, serious prejudice will be caused to the petitioners. Noticing some merit in the grounds raised in the writ petition, this court granted stay of the trial and stay of all further proceedings in O.S.30/2002 for a period of five weeks from 5.12.2005. As extended from time to time the stay is even now in force.

2. Now it is submitted that the connected case O.S.No.87/1998 has been decreed by the Munsiff. In view of the disposal of

O.S.87/1998 it is not necessary to grant any relief to the petitioners in this case. Moreover prayer in Ext.P5 stand already granted by virtue of order of stay issued by this court.

The writ petition is dismissed as infructuous.

PIUS C. KURIAKOSE,
JUDGE.

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